

## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 18, 2008. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Applicant respectfully requests reconsideration and favorable action in this case.

### **Objections under 37 CFR 1.83(a)**

Examiner has objected to the drawings for not showing every feature of the invention specified in the Claims under 37 CFR 1.83(a). Applicants respectfully submits that Figure 1 as well as Figure 2 show the ring structure of the accumulator 4 as common in technical drawings. The ring 4 which is symmetrical around axis 2 is shown above and below the axis. A person skilled in the art would have no trouble interpreting the Figures and determine that numeral 4 identifies an annular ring structure within the piston pump.

### **Rejections under 35 U.S.C. § 102**

Claims 1-20 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,345,609 issued to Djordjevic ("Djordjevic"). Applicants respectfully traverse and submit Djordjevic does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Independent Claim 1 includes the limitation of “*the high pressure accumulator is embodied in the form of a ring.*” As shown in figure 1 and 2 the high pressure accumulator has the form of a ring which is a full circle and per definition does not have a beginning or end. To underline this feature, the specification states:

*Thereby the high pressure accumulator 4 is embodied in the form of a ring in a front side of the pump housing 1. The ring groove can be realized easily by machining processes, by rotation for instance. Thereby the obvious thing would be to make the ring groove in a single operation together with making the bearing holes for drive shaft 2. This allows the pump housing 1 to be machined in one operation without being rechucked, which results in a particularly simple production process.*

Specification, paragraph [0017].

*Djordjevic* merely discloses a common rail section in the shape of partial ring, namely approximately 2/3 of a circle. Thus, this partial ring has a definite beginning and end contrary to a ring. Moreover, Figure 1 is merely a schematic representation. the actual embodiment of the internal common rail 22 is shown in Figure 4 which in addition to the merely partial ring form shows single straight bore sections for each piston that have to meet in the middle section between two pistons.

Hence, *Djordjevic* does not anticipate the present independent claims. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102 or §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

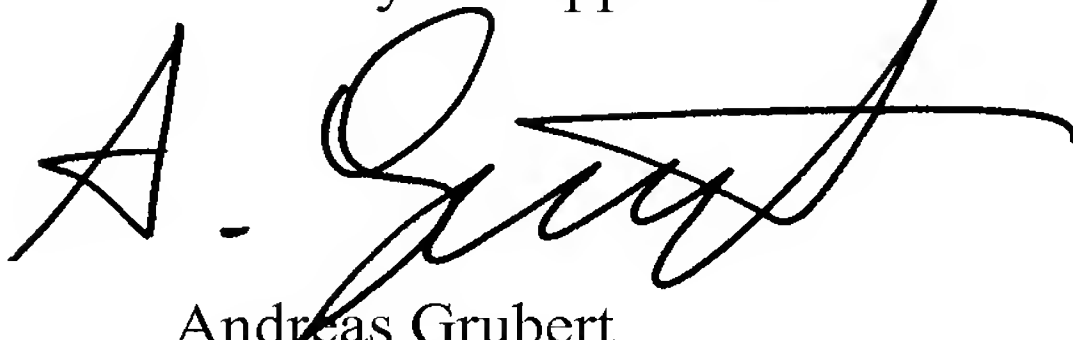
**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicants



Andreas Grubert  
Registration No. 59,143

Date: April 18, 2008

SEND CORRESPONDENCE TO:  
BAKER BOTTS L.L.P.  
CUSTOMER ACCOUNT NO. **31625**  
512.322.2545  
512.322.8383 (fax)